

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HERBERT R. PEARSE,

Plaintiff,

v.

QUALITY LOAN SERVICE
CORPORATION OF WASHINGTON,
et al.,

Defendants.

CASE NO. C19-5087 RBL

ORDER DENYING TRO

THIS MATTER is before the Court on Plaintiff Pearce's Motion for a Temporary Restraining Order enjoining Defendants from selling his home at a foreclosure sale scheduled for March 1. Pearce has apparently sought the defendants' agreement to delay the sale but they have not so agreed.

Pearce's Motion argues that he will be harmed if the sale proceeds, and that there is no harm to the defendants in delaying the foreclosure. None of his papers address why he is in default, or dispute that he is. Pearce acknowledges that he is required to demonstrate that he is likely to succeed on the merits of his underlying claims in order to obtain a TRO, but he does not explain why is likely to succeed.

1 The purpose of a TRO is “preserving the status quo and preventing irreparable harm just
2 so long as is necessary to hold a hearing [on the preliminary injunction application], and no
3 longer.” *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers*, 415
4 U.S. 423 (1974); *see also Reno Air Racing Ass’n v. McCord*, 452 F.3d 1126, 1130–31 (9th Cir.
5 2006). To obtain a TRO or a preliminary injunction, the moving party must show: (1) a
6 likelihood of success on the merits; (2) a likelihood of irreparable harm to the moving party in
7 the absence of preliminary relief; (3) that a balance of equities tips in the favor of the moving
8 party; and (4) that an injunction is in the public interest. *Winter v. Natural Res. Def. Council,*
9 *Inc.*, 555 U.S. 7, 20 (2008).

10 Even assuming that Pearse faces irreparable harm if the sale proceeds, and that the delay
11 would not harm his lenders in the short term, he has not made any showing that he is likely to
12 succeed on the merits of his claims or that the public interest would be served by delaying the
13 sale. His complaint makes broad claims of fraud in the inducement of the loan contract, and
14 claims that some of the debt sought is “outside the limitations period” but he has not
15 demonstrated that he is likely to succeed on either of those conclusory claims. And while the
16 public has no interest in an unlawful foreclosure sale, it has a strong interest in ensuring that
17 lenders can lawfully execute on their security when the borrower is unable or unwilling to pay
18 back the loan.

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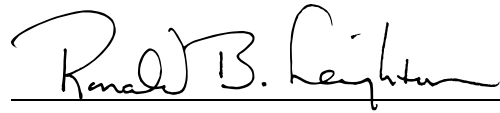
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1 Pearse has not met his burden to obtain a TRO, and his motion to enjoin the pending
2 foreclosure (trustee's) sale is DENIED.

3 IT IS SO ORDERED.

4 Dated this 28th day of February, 2019.

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7 Ronald B. Leighton
8 United States District Judge
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